

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC SUPPORT SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2325

Coplen v. American Medical Systems, Inc.

2:13-cv-31359

MEMORANDUM OPINION AND ORDER

Pending is a Motion to Dismiss with Prejudice for Plaintiff Cathy Estes Coplen's Failure to Comply with Pre-Trial Order # 249, filed April 10, 2018. [ECF No. 22]. Plaintiff, who is pro se, has not responded to this or any of the other various dispositive motions on the docket filed since her counsel withdrew in 2016. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), this cases should be dismissed without prejudice for failure to serve the Plaintiff Fact Sheet or to comply with other deadlines in compliance with the court's previous pretrial and other orders.

Therefore, the court **ORDERS** that the motion to dismiss [ECF No. 22] is **GRANTED in part** to the extent AMS seeks dismissal and **DENIED insofar as AMS seeks dismissal with prejudice**. The court **ORDERS** that the case is dismissed without prejudice and stricken from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record and plaintiff at her las known address.

ENTER: February 7, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE